

Important Information for Employers Regarding Forms K-WC 27 and K-WC 270 (Spanish Version)

The 1993 Legislature passed legislation requiring the employer to provide information to employees about what to do if they experience a work related accident. In return, the Legislature strengthened the ten day notification requirement for employees to notify their employers of an alleged injury. The Legislature mandated the Workers Compensation Director to make available the informational handouts, Form K-WC 27 and K-WC 270 (Spanish Version), within 180 days after passage of Senate Bill 307.

The Legislature mandated under K.S.A. 44-5,102 (c): “The commissioner of insurance shall distribute a copy of such information to each insurance company authorized to transact workers compensation insurance in this state and each group-funded self-insurance plan. Each such insurance company and group-funded self-insurance plan shall reproduce or arrange for the reproduction and distribution of such information in sufficient quantities, and in both English and Spanish language versions, when requested, to continuously accommodate the needs of their respective insured employers and members in order to comply with this section and shall provide such information to such insured employers and members therefor.”

The Insurance Commissioner sent certified letters to each insurance company licensed to sell workers compensation insurance in Kansas, as well as each group self-insurance pool. Each company returned a signed form stating the company had received the required forms and would provide the required form to each employer that they insure or that is a member of the approved “pool.” The Director of the Workers Compensation office provides the same information to each of the approved self-insured employers. Effective December 1, 1993, each and every employer was under statutory requirement to provide a copy of the form K-WC 27 or K-WC 270 to injured employees.

K.S.A. 44-5,102(a) states: “Immediately on receiving notice of injury to or death of an employee, the employer shall mail or deliver to the employee or legal beneficiary” the form K-WC 27 or K-WC 270

provided by the Director of the Division of Workers Compensation. The Division has provided numerous educational opportunities through the annual Workers Compensation Seminars, Employer Institutes, other presentations, and individualized employer technical assistance visits since the requirement has been in effect. There has been an improvement in the utilization of the required informational; however, clearly, over half of the employers attending these training sessions were not using the required forms and informed the presenters that they had never received or seen these forms.

In an effort to assist employers in reaching compliance, the Division encourages employers to make copies of these forms, front and back (without changing the content), and begin using them immediately. Employers should contact their insurance company if they haven’t received this material.

Recurring questions from employers at the training sessions have been: “How do we prove that we gave the employee a copy of the form? Do we have to send it certified? Do we have to make them sign a piece of paper stating they received the form?”

Most employers keep a personnel log on employees. Generally, an entry in the log stating there was an alleged injury on this date and that a form K-WC 27 or K-WC 270 was given or sent to the employee should be adequate documentation of compliance with the requirement.

The Division of Workers Compensation is in the process of developing a telephone survey which will target specific injured workers to determine if they have received a copy of the informational after notifying their employer of an injury. A follow-up will be made with insurance companies based on the results of the survey.

Questions regarding the form and its usage can be directed to the Ombudsman Section at 785-296-2996. One of the Ombudsmen is a certified Spanish interpreter, and is available to explain the form if an employer/employee needs assistance in Spanish.